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Address to the People

OF DAKOTA.

CONSTITUTION

OF THE

STATE OF DAKOTA,

Adopted by the Delegate Convention

HELD AT

Sioux Falls, Dakota, Sept., 1885.

S. T. CLOVER,
LEADER JOB PRINT,
SIOUX FALLS, DAK.

Address to the People.

HALL OF THE CONSTITUTIONAL CONVENTION OF DAKOTA.

SIOUX FALLS, Sept. 25, 1885.

We, the undersigned, were appointed by the Constitutional Convention to issue an address to the people of Dakota to accompany the Constitution prepared by that Convention, setting forth to you in a brief manner the reasons which in their judgment should commend this instrument to your hearty support, and the way in which its adoption would advance your interests and secure a speedy admission of this state into the union.

Your representatives in that Convention have spent but fifteen days of the thirty days allotted to them and but a little over half of the appropriation set apart for them by the legislature in preparing the Constitution which we submit to you for your adoption or rejection.

In order to accomplish this work in this short time, and to effect this saving of the public money, we have labored night and day, working from early morning until late at night.

The delegates to that Convention were composed in a large degree of the farming and industrial element of the people, while the mercantile and professional classes were also represented by many of their ablest and most respected members.

Your delegates have had the advantage of having before them in their formation of this Constitution, the Constitutions of all the states of the Union

Among these especially do we call your attention to the last reform Constitutions of Pennsylvania and Illinois, in which are to be found the latest, best and most stringent guards against the abuses of the power of corporations, special legislation, bribery and corruption, excessive taxation and the extravagant incurring of municipal, county and state indebtedness, and the most careful and guarded protection of the school funds and interests of the people.

With the aid of these former Constitutions, and especially of the two last named, the Convention has been able, we think, to combine in the Constitution we present to you all the best provisions of these Constitutions, together with such others as we could frame ourselves upon the subjects above referred to.

GUARDS OF THE CONSTITUTION

against special legislation, power of corporations, extravagances excessive taxation and other subjects.

We call your attention especially to the provisions of this Constitution in article 3, sections 4, 8, 23, 26 and 28.

By these sections your Constitution, if adopted, will restrict the power of the legislature to enact special laws and will thereby prevent as far as can be done by a Constitution, log-rolling, jobbing bribery and corruption

It will make it dangerous for a legislator to be bribed and dangerous for any person to bribe him.

It will make capital commissions and other like measures of colossal bribery, which have disgraced the territory, impossible under the state In this same connection we ask your attention to section 11 of article 4, with regard to the bribery of the Governor.

APPROPRIATIONS.

We call your special attention to the provisions upon appropriations contained in section 10 of article 4, and section 2 of article 12. By these provisions we think the Constitution will effectually prevent such disgraceful appropriations as have characterized many of your legislatures. By the jobbery always incident to a general appropriation bill, over $80,000 were expended unnecessarily by the last legislature against the protests of its best and ablest members.

TAXATION.

We also call your especial attention to the limit placed by the Constitution upon taxation. That limit for the state is two mills on a dollar of the assessed valuation of all taxable property in the State, as ascertained by the latest assessment for State and county purposes.

The maximum tax provided for by your last territorial legislature is three mills on a dollar, larger than the taxation of twelve states in the union, and the prospect is that in every successive territorial legislature, especially if it shall continue to meet in North Dakota under the influence of the immense railroad corporations of that section, the rate of your taxation and the amount of annual expenditures will increase in almost geometrical ratio, until the burdens of taxation of the people of this territory will be larger than that of the people of any state in the Union.

This one feature answers completely and forever the argument of the enemies of statehood, that a State government will cost you more than a territorial government. The fact is that under the present territorial government not only do you pay all the expenses, territorial, county and municipal, which you would pay under a state government, except the salaries of a few officers and the pay of legislators, but you pay almost twice the sum annually that you would pay under the limitations of this Constitution.

There is absolutely no limitation to the territorial legislature. As long as you remain under the territorial government you may expect your taxes to increase and the extravagance of your legislatures to grow greater.

CORPORATIONS AND RAILROADS.

We call the especial attention of the people, and especially of the farming and industrial interests of the new state to the careful and rigid guards placed in this Constitution upon the power of large corporations and upon any disposition the legislature might have to discriminate in their favor and against individuals.

We ask you to read carefully section 13 of article 6 and section 2 of article 11 and sections 2 and 3 of article 12 and all the sections of article 17.

By these provisions the legislature is compelled to tax corporations like individuals, according to the value of their property by a uniform general law, which applies to corporations and individuals alike, and by the same method by which they tax individuals.

The legislature is forbidden to surrender the power to tax corporations.

The legislature is given power to prevent unjust discrimination or extortion in freight and passenger rates on the railroads

Corporations are forbidden to take private property for public use excepting by just compensation for the property taken, injured or destroyed first paid or secured before such taking and the people are given the right to have damages in these cases determined by a jury.

We say to you that in no State in the Union have more wholesale restrictions been placed upon abuses under these heads than in this constitution.

We say further to you that should the enemies of statehood succeed in compelling the people of South Dakota to be consolidated in a State with North Dakota it will be next to impossible against the influence of the powerful railroad corporations which control that section, to secure any guards similar to these in a Constitution for Dakota as a whole.

SCHOOL FUNDS AND SCHOOL LAND.

We call your attention especially to the very carefully drawn and closely guarded provisions on these subjects.

We know that in the general popular sentiment throughout the new State there is no subject upon which the public interest is so alive as upon the subject of preserving the school funds and the school lands of the new State from loss, plunder or misappropriation.

We believe that the provisions of this Constitution, many of them original, are the best upon this subject contained in any Constitution of any State in the Union.

PUBLIC INDEBTEDNESS.

We call your attention to the limitations in article 13 upon state, county, township and municipal indebtedness.

SEAT OF GOVERNMENT.

We call your attention to the mode provided in this constitution for the selection of the seat of government. By this method the disgrace of capital commissions and all bribery and jobbing on this subject are forever prevented.

The Constitution gives to the people the power to determine their seat of government.

And at the very outset for the temporary seat of government, this Constitution submits to your vote the determination of what place shall be chosen for this purpose.

SEPARATE ARTICLES TO BE VOTED UPON SEPARATELY.

This Convention acceding to the voice of a large element of the people, have submitted to you separate propositions on two questions to be determined by your vote; one being the subject of prohibition, the other the subject of minority representation.

On these subjects, provisions with regard to which have been embodied in some state Constitutions, the Convention has thought it best to submit these questions to the direct vote of the people.

To your wisdom and intelligence and your will are these subjects committed. It is for you to say what shall be the Constitutional declaration of your will with regard to each of them.

PROSPECT OF ADMISSION.

We speak advisedly when we say to you that in all directions the sentiment in favor of the admission of this part of Dakota as a State into the Union, has grown stronger each year, until the demand from the people of the United States that this act of justice shall be done, is now almost universal.

Almost all the great newspapers of the land, east as well as west, and even in California, are demanding that congress shall admit Dakota.

We do not believe that the party now in power can afford to antagonize the sentiment of justice on the part of the American people which is thus voiced by the press. We do not believe that the present national administration will have the disposition so to do.

One thing is sure, if the 250,000 people of Dakota, by a full vote at the polls this coming November, adopt this Constitution and elect such men as will represent their wishes, and if the people of the new State, after electing them, with the temper and firmness of American citizens stand upon their rights under the Constitution of the United States and support their State government, the people of the United States will respect their attitude and will join with them in demanding their immediate admission. And one of two results will surely follow, either the immediate admission of the State of Dakota by the next congress at its first session or the hurling from power of the congress that thus abuses its power and defies the public sentiment of the country. It is time that congress ceases to trifle with the rights and interests of 250,000 citizens of the United States.

We believe that your admission into the Union is a matter to be determined by you by your votes at this election. If a full vote is polled and your Constitution is adopted and your State government elected, no congress and no administration will dare to so far defy public opinion as to deny your admission.

ORGANIZATION.

Having completed our work and discharged our duty to the best of our ability, the rest of the work is now committed to you. We recommend that the county boards appointed in the various counties organize their townships by appointing similar boards in them. The Convention has made arrangements to send to your county boards a sufficient supply of printed Constitutions in the English, German and Scandinavian languages. See that these documents are thoroughly circulated. The form of the ballot prescribed by the Convention is printed in these. See that it is correctly printed in each of your counties and that abundance of tickets are furnished to all localities. For any further information or instruction as to the details of the election, anyone can apply to the State Executive Committee by addressing its President, Hugh J. Campbell at Yankton, Dakota.

A more important election was never held in this territory. You have to select a legislature, your State officers and representatives to congress and your temporary seat of government. This vote cast at this election will probably determine for all time to come the destinies of this people. You have now the opportunity to secure for yourselves an economical government and the just control of corporations by the people and separation from the disastrous and ruinous influences of a government for the whole territory, and the defeat of the iniquitous scheme to bind South Dakota forever in the chains of the Northern Pacific railroad company, and commit her people forever to the burdens of taxation which a legislature sitting in North Dakota will impose, and to the payment of taxes for the completion of that monument of extravagance and corruption, the capitol building at Bismarck.

We remind the people here of the fact lately disclosed in the litigation at Bismarck, in which the people of Dakota were defended by their attorney general against a monstrous scheme to swindle the people on the part of the late capital commission. It appears by the facts elicited during this litigation that over $40,000 of warrants were issued upon orders of the capital commission by the late auditor of the territory, Mr. Ordway, and that these warrants are now being presented to the territorial treasurer for payment. Thus a sum of $40,000, which the legislature never voted and the people never consented to, is being sought to be filched from the public treasury.

GUARANTEES OF OUR RIGHT TO FORM A STATE GOVERNMENT.

The ordinance of 1787 and the treaty with France by which Louisiana was ceded to the United States, contain irrevocable guarantees to the people of this Territory of the right to form a State government for themselves and be admitted into the Union as soon as their population and resources are sufficient for self government. The ordinance of 1787 has been extended by congressional enactment over Dakota by four successive statutes. The rights guaranteed by that ordinance are matters of compact, which compact is stipulated in the ordinance to be forever irrevocable without the consent of the people of the Territory. The ablest lawyers and jurists of the country have united in declaring that the people of this territory are parties to those compacts, and of right entitled to act upon them and demand their fulfillment. In addition to these compacts, the Constitution of the United States, as judicially interpreted by the supreme Court, which interpretation has never been reversed by any subsequent Court, has guaranteed to the people of this Territory, as of all territories, the absolute right of self government and statehood whenever their condition, their population, their area and their resources are sufficient to enable them to govern themselves.

These are Constitutional and legal rights which congress has no lawful power to set aside and can only disregard, as Senator Harrison stated upon the floor of the senate last winter, by brute force.

UNITED STATES APPROPRIATIONS FOR PUBLIC INSTITUTIONS AND INTERNAL IMPROVEMENTS FOR A NEW STATE.

It has been the custom of congress to appropriate for a new State upon admission 500,000 acres of the public lands for internal improvements; also seventy sections of land for the maintenance of a State university, ninety sections of land for the endowment and maintenance of an agricultural college, fifty sections of land for the building and maintenance of a penitentiary, and all the salt springs in the State not exceeding twelve sections. In addition to these donations it has been the custom of congress as a compensation to the new States for an exemption of the United States lands and property from taxation, to grant each of them 5 per cent of the gross proceeds of all the sales of public land made within the limit of the State from the time of its organization as a territory.

This sum for the state of Dakota will amount to, as we are informed by the Hon. R. F. Pettigrew, from whom we have gathered these facts above stated, the sum of $1,500,000, being one-twentieth of the $30,000,000, the amount of the said sales up to this time.

If Dakota should be admitted as a whole, all these donations and grants but the last named, would only be as much for

the whole as for either of the two States separately. Therefore, it is easy to see that by division the people of the new State will gain twice the value in these grants which they would gain if admitted as a whole.

DIMINUTION OF TAXES TO BE OBTAINED BY STATEHOOD.

The school lands which will belong to the new State of Dakota will be in round numbers about 2,700,000 acres and are valued at $27,000,000. Of these the Constitution provides that no more than one-third shall be sold in the first five years, which will amount to 900.000 acres. Estimated at the minimum value of $10 per acre, the total sum realized by the sale of this land will be $9,000,000. This sum will bear interest at not less than 6 per cent. Six per cent on the sum gives a total revenue of $540,000. Besides this revenue the lands thus sold are immediately subject to taxation, and the revenue obtained from these lands in the way of taxes, at two mills on a dollar, amounts to $6,000. Thus the total revenue immediately obtained for school purposes for the people by Statehood will be $546,000.

As the school taxes have amounted to about one-half of all the taxes, and as this revenue will enable the legislature to reduce the school taxes to almost nothing, it is easy to see that your taxes will be reduced almost one-half by a State government.

ADVANTAGES OF ADMISSION AND DIVISION.

We summarize for you in a short recapitulation the advantages which you will derive by adopting this Constitution and forming a state government:

1. Low taxation.
2. Economy in appropriations and expenditures by the legislature.
3. Checks on county and municipal indebtedness.
4. Lower salaries for your state officers than you are paying the corresponding territorial officers.
5. The protection of your school land and funds.
6. The receipt of revenue from the school lands and the diminishing of your school taxes.
7. Checks on the power of corporations to influence legislation and to discriminate unjustly against individuals or places.
8. The opening of the Indian reservations and the settlement of those large tracts of country which now separate eastern from western Dakota.
9. The advance of railroads across these reservations and the increase of immigration.
10. The bringing of your State government closer to the people and making it more responsible to them.
11. Advance in all value of properties and an increase and stability of State, municipal and individual credit.
12. Independent and complete self government.
13. An escape from the enormous taxation that will be necessary to complete the territorial capitol at Bismarck.

All of which is respectfully submitted to the people of Dakota for their consideration.

By order of the Convention,

HUGH J. CAMPBELL, Delegate from Yankton County,
W. W. BROOKINGS, Delegate from Minnehaha County,
FRANK GAULT, Delegate from McPherson County,
THEO. D. KANOUSE, Delegate from Sanborn County,
SAMUEL MILLER, Delegate from Hughes County,
Committee on Address to the People of Dakota.

THE CONSTITUTION

PREAMBLE.

We, the people of Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the State of Dakota.

ARTICLE I.

NAME AND BOUNDARY.

SECTION 1. The name of the State shall be Dakota.

SEC. 2. The boundaries of the State of Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the State of Minnesota, with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota, to its intersection with the forty-sixth parallel of north latitude; thence west along the forty-sixth parallel of north latitude to its intersection with the twenty-seventh meridian of longitude west from Washington; thence south on the twenty-seventh meridian of longitude west from Washington, to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

The powers of the government of the State are divided into three distinct departments—the legislative, executive and judicial, and the powers and duties of each are prescribed by this Constitution.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a legislature, which shall consist of a senate and house of representatives.

SEC. 2. The number of members of the house of representatives shall not be less than seventy-five nor more than one hundred and thirty-five. The number of members of the senate shall not be less than twenty-five nor more than forty-five.

The sessions of the legislature shall be biennial except as otherwise provided in this Constitution.

SEC. 3. No person shall be eligible to the office of senator who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have attained the age of twenty-five years, and who shall not have been a resident of the State or Territory for two years next preceding his election.

No person shall be eligible to the office of representative who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have been a resident of the State or Territory for two years next preceding his election, and who shall not have attained the age of twenty-five years.

No judge or clerk of any court, secretary of State, attorney general, States' attorney, recorder, sheriff, or collector of public moneys, member of either house of congress, or person holding any lucrative office under the United States, or this State, or any foreign government, shall be a member of the legislature: provided, that appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the legislature or become a member thereof.

SEC. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been, or may be collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the legislature or to any office in either branch thereof.

SEC. 5. The legislature shall provide by law for the enumeration of the inhabitants of the State in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at its first regular session, after each enumeration made by authority of the United States, but at no other time; the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy; provided, that the legislature may make an apportionment at its first session after the admission of Dakota as a State.

SEC. 6. The terms of the office of the members of the legislature, shall be two years; they shall receive for their services the sum of five dollars for each day's attendance during the session of the legislature, and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the legislature on the most usual route.

Each regular session of the legislature shall not exceed sixty days, except in cases of impeachment, and members of the legislature shall receive no other pay or perquisites except per diem and mileage.

SEC. 7. The legislature shall meet at the seat of government on the first Tuesday after the first Monday of January, at 12 o'clock m., in the year next ensuing the election of members thereof, and at no other time except as provided by this Constitution.

SEC. 8. Members of the legislature and the officers thereof before they enter upon their official duties, shall take or sub-

scribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give, or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the Supreme or circuit court, or the presiding officer of either house, in the hall of the house to which the member is elected, and the secretary of State shall record and file the oath subscribed by each member and officer.

Any member or officer who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the legislature who shall be convicted of having sworn falsely to or violated his said oath, shall forfeit his office and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the legislature.

SEC. 9. Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such a penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employes and fix the pay thereof, except as otherwise provided in this Constitution.

SEC. 10. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

SEC. 11. Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the some; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected, nor shall any member receive any civil appointment from the Governor, the Governor and senate, or from the legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void; nor shall a member of the legislature during the time for which he shall have been elected, or within one year thereafter, be interested, directly or indirectly, in any contract with the State or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 13. Each house shall keep a Journal of its proceedings and publish the same from time to time, except such parts as require secrecy, and the yeas and nays of members on any

question shall be taken at the desire of one-sixth of those present and entered upon the Journal.

SEC. 14. In all elections to be made by the legislature the members thereof shall vote viva voce and their votes shall be entered in the Journal.

SEC. 15. The sessions of each house and of the Committee of the Whole shall be open, unless when the business is such as ought to be kept secret.

SEC. 16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 17. Every bill shall be read three several times, but the first and second reading may be upon the same day, and the second reading may be by title of the bill, unless the reading at length be demanded. The first and third readings shall be at length.

SEC. 18. The enacting clause of a law shall be: "Be it enacted by the legislature of the State of Dakota," and no law shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken upon its last reading and the yeas and nays shall be entered upon the Journal.

SEC. 19. The presiding officer of each house shall, in the presence of the house over which he shall preside, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read immediately before signing, and the fact of signing, shall be entered upon the Journal.

SEC. 20. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

SEC. 21. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 22. No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act), the legislature shall by a vote of two-thirds of all the members of each house, otherwise direct.

SEC. 23. The legislature is prohibited from enacting any private or special laws in the following cases:

1. Granting divorces.
2. Changing the names of persons or places, or constituting one person the heir-at-law of another.
3. Locating or changing county-seats.
4. Regulating county and township affairs.
5. Incorporating cities, towns and villages or changing or amending the charter of any town, city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and public ground.
6. Providing for sale or mortgage of real estate belonging to minors or others under disability.
7. Authorizing persons to keep ferries across streams wholly within the State.
8. Remitting fines, penalties or forfeitures.
9. Granting to an individual, association or corporation any special or exclusive privilege, immunity or franchise whatever.
10. Providing for the management of common schools.
11. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

But the legislature may repeal any existing special law relating to the foregoing subdivisions.

In all other cases where a general law can be applicable, no special law shall be enacted.

SEC. 24. The legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

SEC. 25. The legislature shall not authorize any game of chance, lottery or gift enterprise, under any pretense, or for any purpose whatever.

SEC. 26. The legislature shall not delegate to any special commission, private corporation or association any power to make supervise or interfere with any municipal improvement, money, property, effects, whether held in trust or otherwise, or levy taxes or to select a capital site or to perform any municipal functions whatever.

SEC. 27. The legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 28. Any person who shall give, demand, offer, directly or indirectly, any money, testimonial, privilege or personal advantage, anything of value to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the legislature, or of public officers of the State, or any municipal division thereof, and any effort towards solicitation of said members of the legislature or officers to influence their official action, shall be defined by law and shall be punishable by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense or bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid, shall be disqualified from holding any office or position or office of trust or profit in this State.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a Governor who shall hold his office two years; a Lieutenant Governor who shall be elected at the same time and for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States and a qualified elector of the State, who shall have attained the age of thirty years, and who shall have resided two years next preceding the election within the State or Territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

SEC. 3. The Governor and Lieutenant Governor shall be elected by the qualified electors of the State at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for Governor and Lieutenant Governor shall be elected, but if two or more shall

have an equal and highest number of votes for Governor or Lieutenant Governor, the two houses of the legislature at it next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor and Lieutenant Governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall at the commencement of each session communicate to the legislature by message, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed.

SEC. 5. The Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction for all offenses except treason and cases of impeachment: provided, that in all cases where the sentence of the court is capital punishment, imprisonment for life or for a longer term than two years, or a fine exceeding two hundred dollars, no pardon shall be granted, sentence commuted or fine remitted except upon the recommendation in writing of a board of pardons, consisting of the presiding Judge, Secretary of State and Attorney General, after full hearing in open session, and such recommendation, with the reasons therefor, shall be filed in the office of the Secretary of State; but the legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the legislature at each regular session, each case of remission of fine, reprieve, commutation or pardon granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 6. In case of the death, impeachment, resignation, failure to qualify, absence from the State, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

SEC. 7. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. If during a vacancy of the office of Governor the Lieutenant Governor shall be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office, the Secretary of State shall act as Governor until the vacancy shall be filled or the disability removed.

SEC. 8. When any office shall from any cause become vacant and no mode is provided by the Constitution or law for filling

such vacancy, the Governor shall have power to fill such vacancy by appointment.

SEC. 9. Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign; but if not, he shall return it with his objection to the house in which it originated, which shall enter the objection at large upon the journal and proceed to reconsider it. If after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for and against the bill shall be entered upon the Journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented by him, the same shall be a law, unless the legislature shall by its adjournment prevent its return; in which case it shall be filed, with his objection, in the office of the Secretary of State, within ten days after such adjournment or become a law.

SEC. 10. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items and part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 11. Any Governor of this State who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said Governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature, or who threatens any member that he, the said Governor, will remove any person or persons from office or position with intent to in any manner influence the official action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereon shall forfeit all right to hold or exercise any office of trust or honor in this State.

SEC. 12. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislature, a Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands, and Attorney General, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of Treasurer for more than two terms consecutively.

They shall respectively keep their offices at the seat of government.

SEC. 13. The powers and duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of School and Public Lands and Attorney General shall be as prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial powers of the State, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, circuit courts, county courts and justices of the peace, and such other courts as may be created by law for cities and incorporated towns.

SUPREME COURT.

SEC. 2. The Supreme Court, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC 3. The Supreme Court and the judges thereof shall have power to issue writs of habeas corpus. The Supreme Court shall also have power to issue writs of mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be provided by law, provided, however, that no jury trials shall be allowed in said Supreme Court, but, in proper cases, questions of fact may be sent by said court to a circuit court to a trial before a jury.

SEC. 4. At least two terms of the Supreme Court shall be held each year at the seat of government.

SEC. 5. The Supreme Court shall consist of three judges, to be chosen from districts by qualified electors of the State at large, as hereinafter provided.

SEC. 6. The number of said judges and districts may, after five years from the admission of this State under this Constitution, be increased by law to not exceeding five.

SEC. 7. A majority of the judges of the Supreme Court shall be necessary to form a quorum or to pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a certain day.

SEC. 8. The term of the judges of the Supreme Court, who shall be elected at the first election under this Constitution, shall be four years. At all subsequent elections the term of said judges shall be six years.

SEC. 9. The judges of the Supreme Court shall by rule select from their number a presiding judge, who shall act as such for the term prescribed by such rule.

SEC. 10. No person shall be eligible to the office of judge of the Supreme Court unless he be learned in the law, be at least thirty years of age, a citizen of the United States, nor unless he shall have resided in this State or the Territory at least two years next preceding his election and at the time of his election be a resident of the district from which he is elected, but for the purpose of re-election, no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.

SEC. 11. Until otherwise provided by law, the districts from which the said judges of the Supreme Court shall be elected, shall be constituted as follows:

First District—All that portion of the State lying west of the Missouri river.

Second District—All that portion of the State lying east of the Missouri river and south of the second standard parallel.

Third District—All that portion of the State lying east of the Missouri river and north of the second standard parallel.

SEC. 12. There shall be a clerk and also a reporter of the Supreme Court, who shall be appointed by the judges thereof, and who shall hold office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the Supreme Court not inconsistent with law. The legislature shall make provision for the publication and distribution of the decisions of the Supreme Court, and for the sale of the published volumes thereof. No private person or corporation shall be allowed to secure any copyright to such decisions, but if any copyrights are secured they shall inure wholly to the benefit of the State.

SEC. 13. The Governor shall have authority to require the opinions of the judges of the Supreme Court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

CIRCUIT COURTS.

SEC. 14. The circuit courts shall have original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with this Constitution; such jurisdiction as to value and amount and grade of offense, may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

SEC. 15. The State shall be divided into judicial circuits in each of which there shall be elected by the electors thereof one judge of the circuit court therein, whose term of office shall be four years.

SEC. 16. Until otherwise ordered by law, said circuits shall be six in number and constituted as follows, viz:

First circuit: The counties of Union, Clay, Yankton, Bon-Homme, Hutchinson, Charles Mix and Douglas.

Second circuit: The counties of Lincoln, Turner, Minnehaha, McCook, Moody, Lake and Miner.

Third circuit: The counties of Brookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Marshall Roberts, Day, and the Wahpeton and Sisseton reservation, and all that strip of territory now included between the north line of the county of Day and Roberts and the forty-sixth parallel of north latitude.

Fourth circuit: The counties of Beadle, Sanborn, Davison, Aurora, Brule, Buffalo, Jerauld and Hanson.

Fifth circuit: The counties of Brown, Hand, Hyde, Hughes, Sully, Potter, Faulk, Edmunds, Walworth, Campbell, McPherson and Spink and all that portion of said State lying east of the Missouri river, not included in any other judicial circuit.

Sixth circuit: All that portion of the said State lying west of the Missouri river.

SEC. 17. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the State into judicial circuits accordingly, taking care that they be

formed of compact territory and be bounded by county lines, but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

SEC. 18. Writs of error and appeals may be allowed from the decisions of the circuit courts to the Supreme Court under such regulations as may be prescribed by law.

COUNTY COURTS.

SEC. 19. There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.

SEC. 20. County courts shall be courts of record and shall have original jurisdiction in all matters of probate guardianship and settlement of the estates of deceased persons and such other civil and criminal jurisdiction as may be conferred by law, provided that such courts shall not have jurisdiction in any case where the debt, damage, claim or value of property involved shall exceed one thousand dollars, except in matters of probate guardianship and the estates of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the Supreme Court in such cases and in such manner as may be prescribed by law, provided that no appeal or writ of error shall be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.

SEC. 21. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecutions therein may be by information or otherwise as the legislature may provide.

JUSTICE OF THE PEACE.

SEC. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATE.

SEC. 23. The legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively, and such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.

STATE'S ATTORNEY.

SEC. 24. The legislature shall have power to provide for State's attorneys and to prescribe their duties and fix their compensation; but no person shall be eligible to the office of attorney general or State's attorney who shall not at the time of his election be at least twenty-five years of age and possess all the other qualifications for judges of circuit courts as prescribed in this article.

MISCELLANEOUS.

SEC. 25. No person shall be eligible to the office of judge of the circuit or county courts unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States; nor unless he shall have resided in this State or Territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit, as the case may be, for which he is elected.

SEC. 26. The judges of the Supreme Court, circuit courts and county courts shall be chosen at the first election held under the provisions of this Constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may, for the purpose of making such provision, extend or abridge the term of office for any of such judges then holding, but not in any case more than six months. The term of office of all judges of circuit courts, elected in the several judicial circuits throughout the State, shall expire on the same day.

SEC. 27. The time of holding courts within said judicial circuits and counties shall be as provided by law; but at least one term of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.

SEC. 28. Special terms of said courts may be held under such regulations as may be provided by law.

SEC. 29. The judges of the circuit courts may hold courts in other circuits than their own, under such regulations as may be prescribed by law.

SEC. 30. The judges of the Supreme Court, circuit courts and county courts shall each receive such salary as may be provided by law, consistent with this Constitution, and no such judge shall receive any compensation, perquisite or emoluments for or on account of his office in any form whatever, except such salary; provided, that county judges may accept and receive such fees as may be allowed under the land laws of the United States.

SEC. 31. No judge of the Supreme Court or circuit courts shall act as attorney or counselor at law, nor shall any county judge act as attorney or counselor at law in any case which is or may be brought into his court or which may be appealed therefrom.

SEC. 32. There shall be a clerk of the circuit court in each organized county, who shall also be clerk of the county court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated by the rules of the court consistent with the provisions of law.

SEC. 33. Until the legislature shall provide by law for fixing the terms of courts, the judges of the Supreme, circuit and county courts, respectively, shall fix the terms thereof.

SEC. 34. All laws relating to courts shall be general and of uniform operation throughout the State, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of such of the proceedings, judgments and decrees of such courts severally shall be uniform, provided, however, that the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.

SEC. 35. No judge of the Supreme or circuit courts shall be elected to any other than a judicial office, or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office, except that of judge of the Supreme Court, circuit court or county court, given by the legislature or the people, shall be void.

SEC. 36. All judges or other officers of the Supreme, circuit or county courts provided for in this article shall hold their offices until their successors respectively are elected or appointed and qualified.

SEC. 37. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election, as follows: All judges of the Supreme, circuit and county courts by the Governor. All other judicial and other officers by the county board of the county where the vacancy occurs; in cases of police magistrates, by the municipality.

SEC. 38. All process shall run in the name of the "State of Dakota." All prosecutions shall be carried on in the name of and by authority of the "State of Dakota."

ARTICLE VI.

BILL OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. No person shall be deprived of life, liberty or property without due process of law.

SEC. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the State. No person shall be compelled to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the State shall be given or appropriated for the benefit of any sectarian or religious society or institution.

SEC. 4. The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published, with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

SEC. 6. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any court not a court of record, and for the decision of civil cases by three-fourths of the jury in any court.

SEC. 7. In all criminal prosecutions the accused shall have e right to defend in person and by counsel; to demand the ture and cause of the accusation against him; to have a copy ereof; to meet the witnesses against him face to face; to have mpulsory process served for obtaining witnesses in his behalf, d to a speedy public trial by an impartial jury of the county or strict in which the offense is alleged to have been committed.

SEC. 8. All persons shall be bailable by sufficient sureties, xcept for capital offenses when proof is evident or presumption eat. The privilege of the writ of habeas corpus shall not be sus- ended, unless in case of rebellion or invasion, the public safety ay require it.

SEC. 9. No person shall be compelled in any criminal case to ve evidence against himself or be twice put in jeopardy for the me offense.

SEC. 10. No person shall be held for a criminal offense unless n the presentment or indictment of a grand jury, or information the public prosecutor, except in cases of impeachment, in cases gnizable by county courts, by justices of the peace, and in cases ising in the army or navy, or in the militia when in actual rvice in time of war or public danger; provided, that the grand ry may be modified or abolished by law.

SEC. 11. The right of the people to be secure in their per- ns, houses, papers and effects, against unreasonable searches d seizures shall not be violated, and no warrant shall issue but on probable cause supported by affidavit, particularly describ- g the place to be searched and the person or thing to be seized.

SEC. 12. No ex post facto law, or law impairing the obligation contracts or making any irrevocable grant of privilege, fran- hise or immunity, shall be passed.

SEC. 13. Private property shall not be taken for public use damaged, without just compensation as determined by a jury, hich shall be paid as soon as it can be ascertained, and before ossession is taken. No benefit which may accrue to the owner as he result of an improvement made by any private corporation hall be considered in fixing the compensation for property taken damaged. The fee of land taken for railroad tracks or other ighways shall remain in such owners, subject to the use for which is taken.

SEC. 14. No distinction shall ever be made by law between esident aliens and citizens, in reference to the possession, enjoy- ent or descent of property.

SEC. 15. No person shall be imprisoned for debt arising out f or founded upon a contract.

SEC. 16. The military shall be in strict subordination to the ivil power. No soldier in time of peace shall be quartered in ny house without consent of the owner, nor in time of war ex- ept in the manner prescribed by law.

SEC. 17. No tax or duty shall be imposed without the consent f the people or their representatives in the legislature, and all axation shall be equal and uniform.

SEC. 18. No law shall be passed granting to any citizen, class f citizens or corporation, privileges or immunities which upon he same terms shall not equally belong to all citizens or corpora- ions.

SEC. 19. Elections shall be free and equal, and no power, ivil or military, shall at any time interfere to prevent the free xercise of the right of suffrage. Soldiers in time of war may vote t their post of duty in or out of the State, under regulations to e prescribed by the legislature.

SEC. 20. All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice, administered without denial or delay.

SEC. 21. No power of suspending law shall be exercised, unless by the legislature or its authority.

SEC. 22. No person shall be attainted of treason or felony by the legislature.

SEC. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

SEC. 24. The right of the citizens to bear arms in defense of themselves and the State shall not be denied.

SEC. 25. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

SEC. 26. All political power is inherent in the people and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the State of Dakota is an inseparable part of the American union, and the Constitution of the United States is the supreme law of the land.

SEC. 27. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

ARTICLE VII.

ELECTIONS AND RIGHT OF SUFFRAGE.

SECTION 1. Every male person resident of this State who shall be of the age of twenty-one years and upwards, not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the Territory of Dakota at the date of the ratification of this Constitution by the people, or who shall have resided in the United States one year, in this State six months, in the county thirty days and in the election precinct where he offers his vote ten days next preceding any election, shall be deemed a qualified elector at such election:

First: Citizens of the United States.

Second: Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

SEC. 2. The legislature shall at its first session after the admission of the State into the Union, submit to a vote of the electors of the State the following question to be voted upon at the next general election held thereafter, namely: "Shall the word 'male' be stricken from the article of the Constitution relating to elections and the right of suffrage." If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the right of suffrage at any election in this State.

SEC. 3. All votes shall be by ballot, but the legislature may provide for numbering ballots for the purpose of preventing and detecting fraud.

SEC. 4. All general elections shall be biennial.

SEC. 5. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of elections, except in time of war or public danger.

SEC. 6. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

SEC. 7. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 8. No person under guardianship, non compos mentis or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 9. Any woman having the qualifications enumerated in section 1 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the Territory, may vote at any election held solely for purposes and may hold any office in this State, except as otherwise provided in this Constitution.

ARTICLE VIII.

EDUCATION AND SCHOOL LANDS.

SECTION 1. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the State; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the State by escheat; the proceeds of all gifts or donations to the State for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the State. It shall be deemed a trust fund held by the State. The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the State shall make good all losses thereof which may in any manner occur.

SEC. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of State laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the State, and shall be for this purpose apportioned among and between all the several public school corporations of the State in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the State.

SEC. 4. After one year from the assembling of the first legislature, the lands granted to the State by the United States for the use of public schools may be sold upon the following conditions

and no other: Not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto is vested in the State, and the legislature shall, subject to the provisions of this article, provide for the sale of the same.

The Commissioner of School and Public Lands, the State Auditor and the County Superintendent of Schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands within the several counties which they may from time to time select and designate for sale, at their actual value under the terms of sale. They shall take care first to select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

SEC. 5. No lands shall be sold for less than the appraised value and in no case for less than ten dollars an acre, unless after the year A. D. nineteen hundred, two consecutive legislatures concur in a law otherwise directing. The purchaser shall pay one-fourth of the price in cash and the remaining three-fourths as follows: One-fourth in five years, one-fourth in ten years and one-fourth in fifteen years, with interest thereon at the rate of not less than six per centum per annum, payable annually in advance; but all such subdivided lands may be sold for cash, provided that upon payment of the interest for one full year in advance, the balance of the purchase price may be paid at any time. All sales shall be at public auction to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres and those so subdivided in the smallest subdivisions. All lands designated for sale not sold within four years after appraisal, shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.

SEC. 6. All sales shall be conducted through the office of the Commissioner of School and Public Lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the Governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

SEC. 7. All lands, money or other property donated, granted or received from the United States or any other source for a university, agricultural college, normal schools or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such land as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the State, and the State shall make good all losses therefrom that shall in any manner occur.

SEC. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same officers

nd boards under the same limitations, and subject to all the con-itions as to price, sale and approval provided above for the ap-raisal and sale of lands for the benefit of public schools, but a istinct and separate account shall be kept by the proper officers f each of such funds.

SEC. 9. No lands mentioned in this article shall be leased xcept for pasturage and meadow purposes and at public auction fter notice as hereinbefore provided in case of sale and shall be ffered in tracts not greater than one section. All rents shall be ayable annually in advance, and no term of lease shall exceed ve years, nor shall any lease be valid until it receives the ap-roval of the Governor.

SEC. 10. No claim to any public lands by any trespasser ereon by reason of occupancy, cultivation or improvement ereof, shall ever be recognized; nor shall compensation ever made on account of any improvements made by such tres-asser.

SEC. 11. The moneys of the permanent school and other ducational funds shall be invested only in first mortgages upon ood improved farm lands within this State as hereinafter pro-ided, or in bonds of school corporations within the State, or in nds of the United States, or of the State of Dakota. The legis-ature shall provide by law the method of determining the mounts of said funds which shall be invested from time to time in ch classes of securities respectively, taking care to secure con-nuous investments as far as possible.

All moneys of said funds which may from time to time be esignated for investment in farm mortgages and in the bonds of hool corporations, shall for such purpose be divided among the rganized counties of the State in proportion to population as early as provisions by law to secure continuous investments ay permit. The several counties shall hold and manage the me as trust funds, and they shall be and remain responsible nd accountable for the principal and interest of all such moneys eceived by them from the date of receipt until returned because ot loaned; and in case of loss to any money so apportioned to ny county, such county shall make the same good out of its ommon revenue. Counties shall invest said moneys in bonds f school corporations, or in first mortgages upon good improved rm lands within their limits respectively; but no farm loan shall xceed five hundred dollars to any one person, nor shall it ex-eed one-half the valuation of the lands as assessed for taxation, nd the rate of interest shall not be less than six per centum per nnum, and shall be such other and higher rate as the legislature may provide, and shall be payable semi-annually on the first days of January and July: provided, that whenever there are moneys of said funds in any county amounting to one thousand dollars that cannot be loaned according to the provisions of this section and any law pursuant thereto, the said sum may be re-turned to the State treasurer to be entrusted to some other county or counties, or otherwise invested under the provisions of this section.

Each county shall semi-annually, on the first days of Janu-ary and July, render an account of the condition of the funds intrusted to it, to the auditor of State, and at the same time pay to or account to the State treasurer for the interest due on all funds intrusted to it.

The legislature may provide by general law that counties may retain from interest collected in excess of six per centum

per annum upon all said funds intrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the State treasury of interest at the rate provided by law for said loans, except only said one per centum; and in no case shall the interest so to be paid be less than six per centum per annum.

The legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

SEC. 12. The Governor may disapprove any sale, lease or investment other than such as are intrusted to the counties.

SEC. 13. All losses to the permanent school or other educational funds of this State which shall have been occasioned by the defalcation, negligence, mis-management or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State in favor of the fund sustaining the loss upon which not less than six per centum of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in article XIII, section 2.

SEC. 14. The legislature shall provide by law for the protection of the school lands from trespass, or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

SEC. 15. The legislature shall make such provisions by general taxation, and by authorizing the school corporations to levy such additional taxes, as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the State.

SEC. 16. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the State, or any county or municipality within the State, nor shall the State or any county or municipality within the State accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the State.

SEC. 17. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this State, under such penalties as shall be provided by law.

ARTICLE IX.

COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide by general law for organizing new counties, locating the county seats thereof and changing county lines; but no new county shall be organized so as to include an area of less than twenty-four congressional townships, as near as may be without dividing a township or fractional township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified. All changes in county boundaries in counties already organized, before taking effect, shall be submitted to the electors of the county or counties to be affected thereby, at the next general election thereafter and be adopted by a majority of the votes cast in each county at such election. Counties now organized shall remain as they are unless changed according to the above provisions.

SEC. 2. In counties already organized where the county seat has not been located by a majority vote, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at a general election. The place receiving the majority of all votes cast at said election shall be the county seat of said county.

SEC. 3. Whenever a majority of the legal voters of any organized county shall petition the county board to change the location of the county seat which has once been located by a majority vote, specifying the place to which it is to be changed, said county board shall submit the same to the people of said county at the next general election, and if the proposition to change the county seat be ratified by two-thirds of the votes cast at said election, then the county seat shall be changed, otherwise not. A proposition to change the location of the county seat of any organized county shall not again be submitted before the expiration of four years.

SEC. 4. The legislature shall provide by general law for organizing the counties into townships, having due regard for congressional township lines and natural boundaries, and whenever the population is sufficient and the natural boundaries will permit, the civil townships shall be co-extensive with the congressional townships.

SEC. 5. In each organized county at the first general election held after the admission of the State of Dakota into the union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, State's attorney, surveyor, coroner and superintendent of schools, whose terms of office respectively shall be two years, and except the clerk of the court, no person shall be eligible for more than four years in succession to any of the above named offices.

SEC. 6. The legislature shall provide by general law for such county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers.

SEC. 7. All county, township and district officers shall be electors in the county, township or district in which they are elected, provided that nothing in this section shall prevent the holding of school offices by any person as provided in section 9, article VII.

ARTICLE X.

MUNICIPAL CORPORATIONS.

SECTION 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than all corporations of the same class. The legislature shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

SEC. 2. Except as otherwise provided in this Constitution, no tax or assessment shall be levied or collected, or debts contracted by municipal corporations, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose, ever be diverted to any other.

SEC. 3. No street passenger railway or telegraph or telephone line shall be constructed within the limits of any village, town or city without the consent of its local authorities.

ARTICLE XI.

REVENUE AND FINANCE.

SECTION 1. The legislature shall provide for an annual tax, sufficient to defray the estimated ordinary expenses of the State for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes. And whenever it shall appear that such ordinary expenses shall exceed the income of the State for such year, the legislature shall provide for levying a tax for the ensuing year, sufficient with other resources of income to pay the deficiency of the preceding year together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt, provided that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the State as ascertained by the last assessment made for State and county purposes.

SEC. 2. All taxes to be raised in this State shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisement and assessment as may be prescribed by the legislature by general law, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property. And the legislature shall provide by general law for the assessing and levying of taxes on all corporation property, as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

SEC. 4. The legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. The property of the United States and of the State, county and municipal corporations, both real and personal shall be exempt from taxation.

SEC. 6. The legislature shall, by general law, exempt from taxation, property used exclusively for agricultural and horticultural societies, for schools, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation.

SEC. 7. All laws exempting property from taxation, other than that enumerated in sections 5 and 6 of this article, shall be void.

SEC. 8. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied.

SEC. 9. All taxes levied and collected for State purposes, shall be paid into the State treasury. No indebtedness shall be incurred or money expended by the State, and no warrants shall be drawn upon the State treasury except in pursuance of an appropriation for the specific purpose first made. The legislature shall provide by suitable enactment for carrying this section into effect.

SEC. 10. The legislature may vest the corporate authority of cities, towns and villages, with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

SEC. 11. The making of profit, directly or indirectly, out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

SEC. 12. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the legislature may provide.

ARTICLE XII.

PUBLIC ACCOUNTS AND EXPENDITURES.

SECTION 1. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

SEC. 2. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the State, the current expenses of State institutions, interest on public debt, and for common schools. All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the legislature.

SEC. 3. The legislature shall never grant any extra compensation to any public officer, employe, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the State, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office; provided, however, that the legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 4. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the legislature shall provide, and such statement shall be submitted to the legislature at the beginning of each regular session by the Governor with his message.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the State nor any county, township or municipality shall loan or give its credit or make donations to or in aid of any individual, association or corporation except for the necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor pay or become responsible for the debt or liability of any

individual, association or corporation; provided, that the State may assume or pay such debt or liability when incurred in time of war for the defense of the State. Nor shall the State engage in any work of internal improvement.

SEC. 2. For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the State may contract debts never to exceed with previous debts in the aggregate $500,000, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the State or the United States in war, and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose, or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise, shall be irrepealable until such debt is paid.

SEC. 3. The debt of any county, city, town, school district, or other subdivision, shall never exceed five per centum upon the assessed value of the taxable property therein. In estimating the amount of indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of this Constitution shall be included.

SEC. 4. Any city, county, town, school district or any other subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepealable until such debt be paid.

SEC. 5. Consent is given that congress may make such provision for the payment by this State of the existing indebtedness of the Territory of Dakota as it shall deem just and equitable, and this State shall assume and pay so much thereof as congress may provide.

ARTICLE XIV.

STATE INSTITUTIONS.

SECTION 1. The charitable and penal institutions of the State of Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind and a reform school.

SEC. 2. The State institutions provided for in the preceding section shall be under the control of a State Board of Charities and Corrections, under such rules and restrictions as the legislature shall provide; such board to consist of not to exceed five members, to be appointed by the Governor and confirmed by the senate, and whose compensation shall be fixed by law.

SEC. 3. The State university, the agricultural college, the normal schools and other educational institutions that may be sustained either wholly or in part by the State shall be under the control of a board of nine members, appointed by the Governor and confirmed by the senate, to be designated the regents of education. They shall hold their office for six years, three retiring every second year.

The regents in connection with the faculty of each institution shall fix the course of study in the same.

The compensation of the regents shall be fixed by the legislature.

SEC. 4. The regents shall appoint a board of five members for each institution under their control, to be designated the

ard of trustees. They shall hold office for five years, one mber retiring annually. The trustees of each institution shall point the faculty of the same, and shall provide for the current nagement of the institution, but all appointments and removmust have the approval of the regents to be valid. The trusees of the several institutions shall receive no compensation for eir services but they shall be reimbursed for all expenses curred in the discharge of their duties, upon presenting an mized account of the same to the proper officer. Each board trustees at its first meeting shall decide by lot the order in hich its members shall retire from office.

SEC. 5. The legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the State.

ARTICLE XV.

MILITIA.

SECTION 1. The militia of the State of Dakota shall consist of all able-bodied male persons residing in the State, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States or of this State.

SEC. 2. The legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the militia and the establishment of volunteer and such other organizations, or both, as may be deemed necessary for the protection of the State, the preservation of order and the efficiency and good of the service.

SEC. 3. The legislature, in providing for the organization of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 4. All militia officers shall be commissioned by the Governor, and may hold their commissions for such period of time the legislature may provide, subject to removal by the Governor for cause, to be first ascertained by a court-martial, pursuant to law.

SEC. 5. The militia shall in all cases, except treason, felony breach of the peace, be privileged from arrest during their attendance at muster and elections, and in going to and returning from the same.

SEC. 6. All military records, banners and relics of the State, except when in lawful use, shall be preserved in the office of the Adjutant General, as an enduring memorial of the patriotism and valor of Dakota; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

SEC. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

ARTICLE XVI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or Lieutenant Governor is on trial, the presiding judge of the Supreme Court shall preside.

SEC. 3. The Governor and other State and judicial officers except county judges, justices of the peace and police magistrates shall be liable to impeachment for drunkenness, crimes, corrupt conduct or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the State. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 4. All officers not liable to impeachment shall be subject to removal for misconduct, malfeasance, crime or misdemeanor in office, or for drunkenness or gross incompetency in such manner as may be provided by law.

SEC. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 6. On trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the court.

SEC. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

SEC. 8. No person shall be liable to impeachment twice for the same offense.

ARTICLE XVII.

CORPORATIONS.

SECTION 1. No corporation shall be created or have its charter extended, changed or amended by special laws except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State; but the legislature shall provide by general laws for the organization of all corporations hereafter to be created.

SEC. 2. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this Constitution takes effect, shall thereafter have no validity.

SEC. 3. The legislature shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State.

SEC. 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate or distribute them upon two or more candidates as he may prefer.

SEC. 6. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 7. No corporation shall engage in any business other... han that expressly authorized in its charter, nor shall it take or... old any real estate except such as may be necessary and proper or its legitimate business.

SEC. 8. No corporation shall issue stocks or bonds except or money, labor done or money or property actually received; nd all fictitious increase of stock or indebtedness shall be void. he stock and indebtedness of corporations shall not be increased xcept in pursuance of general law nor without the consent of he persons holding the larger amount in value of the stock first btained, at a meeting to be held after sixty day's notice given in ursuance of law.

SEC. 9. The legislature shall have the power to alter, revise r annul any charter of any corporation now existing and revoable at the taking effect of this Constitution, or any that may be reated, whenever in their opinion it may be injurious to the ities of this State; in such a manner, however, that no injustice hall be done to the incorporators. No law hereafter enacted hall create, renew or extend the charter of more than one corporation.

SEC. 10. No law shall be passed by the legislature granting he right to construct and operate a street railroad within any ity, town or incorporated village, without requiring the consent f the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

SEC. 11. Any association or corporation organized for the urpose, or any individual, shall have the right to construct and maintain lines of telegraph in this State, and to connect the ame with other lines; and the legislature shall by general law of niform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate ith, or hold a controlling interest in the stock or bonds of any ther telegraph company owning a competing line, or acquire by urchase or otherwise any other competing line of telegraph.

SEC. 12. Every railroad corporation organized or doing busiess in this State, under the laws or authority thereof, shall have nd maintain a public office or place in this State for the transaction of its business, where transfers of its stock shall be made nd in which shall be kept for public inspection, books in which hall be recorded the amount of capital stock subscribed, and by hom, the names of the owners of its stock and the amount wned by them respectively; the amount of stock paid in and by hom, the transfers of said stock; the amount of its assets and abilities and the names and place of residence of its officers, he directors of every railroad corporation shall annually make report, under oath, to the auditor of public accounts, or some fficer or officers to be designated by law, of all their acts and oings, which report shall include such matters relating to railoads as may be prescribed by law, and the legislature shall pass ws enforcing by suitable penalties the provisions of this section.

SEC. 13. The rolling stock and all other movable property elonging to any railroad company or corporation in this State, all be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of lividuals, and the legislature shall pass no laws exempting such operty from execution and sale.

SEC. 14. No railroad corporation shall consolidate its stock, operty or franchises with any other railroad corporation owning

a parallel or competing line; and in no case shall any consolidation take place except upon public notice given at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

SEC. 15. Railways heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to legislative control; and the legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight, as such common carriers from one point to another in this state.

SEC. 16. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 17. The legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

SEC. 18. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals, made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

SEC. 19. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVIII.

BANKING AND CURRENCY.

SECTION 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this State of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in the approved securities of the State or of the United States, to be rated at ten per cent below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

SEC. 2. Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed; but the legislature may provide by general law for the reorganization of such banks.

SEC. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

ARTICLE XIX.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the members of the house of representatives of the United States apportioned to this State shall be elected by the State at large.

SEC. 2. Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and representatives shall be apportioned, as follows:

SENATORIAL DISTRICTS.

District No. 1 shall consist of the county of Union and be entitled to one senator.

District No. 2 shall consist of the county of Clay and be entitled to one senator.

District No. 3 shall consist of the county of Yankton and be entitled to one senator.

District No. 4 shall consist of the county of Bon Homme and be entitled to one senator.

District No. 5 shall consist of the county of Lincoln and be entitled to one senator.

District No. 6 shall consist of the county of Turner and be entitled to one senator.

District No. 7 shall consist of the county of Hutchinson and be entitled to one senator.

District No. 8 shall consist of the counties of Douglas and Charles Mix and be entitled to one senator.

District No. 9 shall consist of the county of Minnehaha and be entitled to two senators.

District No. 10 shall consist of the county of Brule and be entitled to one senator.

District No. 11 shall consist of the counties of Aurora and Jerauld and be entitled to one senator.

District No. 12 shall consist of the county of Davison and be entitled to one senator.

District No. 13 shall consist of the counties of McCook and Hanson and be entitled to one senator.

District No. 14 shall consist of the counties of Moody and Lake and be entitled to one senator.

District No. 15 shall consist of the counties of Sanborn and Miner and be entitled to one senator.

District No. 16 shall consist of the county of Brookings and be entitled to one senator.

District No. 17 shall consist of the county of Kingsbury and be entitled to one senator.

District No. 18 shall consist of the county of Beadle and be entitled to one senator.

District No. 19 shall consist of the counties of Hand and Buffalo and be entitled to one senator.

District No. 20 shall consist of the counties of Codington and Deuel and be entitled to one senator.

District No. 21 shall consist of the counties of Clark and Hamlin and be entitled to one senator.

District No. 22 shall consist of the counties of Grant and Roberts and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 23 shall consist of the counties of Marshall and Day and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 24 shall consist of the county of Spink and be entitled to one senator.

District No. 25 shall consist of the county of Brown and the territory north thereof and south of the 46th parallel and be entitled to two senators.

District No. 26 shall consist of the counties of McPherson, Edmunds and Faulk and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 27 shall consist of the counties of Walworth, Potter, Sully and Campbell and the territory north thereof and south of the 46th parallel and be entitled to one senator.

District No. 28 shall consist of the counties of Hyde and Hughes and be entitled to one senator.

District No. 29 shall consist of the counties of Lawrence and Butte and be entitled to two senators.

District No. 30 shall consist of the counties of Pennington, Custer and Fall River and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

District No. 1 shall consist of the county of Union and be entitled to three representatives.

District No. 2 shall consist of the county of Clay and be entitled to two representatives.

District No. 3 shall consist of the county of Yankton and be entitled to four representatives.

District No. 4 shall consist of the county of Bon Homme and be entitled to three representatives.

District No. 5 shall consist of the county of Lincoln and be entitled to three representatives.

District No. 6 shall consist of the county of Turner and be entitled to three representatives.

District No. 7 shall consist of the county of Hutchinson and be entitled to three representatives.

District No. 8 shall consist of the county of Douglas and be entitled to one representative.

District No. 9 shall consist of the county of Charles Mix and be entitled to one representative.

District No. 10 shall consist of the county Minnehaha and be entitled to four representatives.

District No. 11 shall consist of the county of McCook and be entitled to two representatives.

District No. 12 shall consist of the county of Hanson and be entitled to two representatives.

District No. 13 shall consist of the county of Davison and be entitled to one representative.

District No. 14 shall consist of the county of Aurora and be entitled to two representatives.

District No. 15 shall consist of the county of Brule and be entitled to three representatives.

District No. 16 shall consist of the county of Moody and be entitled to two representatives.

District No. 17 shall consist of the county of Lake and be entitled to two representatives.

District No. 18 shall consist of the county of Miner and be entitled to two representatives.

District No. 19 shall consist of the county of Sanborn and be entitled to two representatives.

District No. 20 shall consist of the county of Jerauld and be entitled to one representative.

District No. 21 shall consist of the county of Brookings and be entitled to three representatives.

District No. 22 shall consist of the county of Kingbury and be entitled to two representatives.

District No. 23 shall consist of the county of Beadle and be entitled to five representatives.

District No. 24 shall consist of the counties of Hand and Buffalo and be entitled to three representatives.

District No. 25 shall consist of the county of Hyde and be entitled to one representative.

District No. 26 shall consist of the county of Hughes and be entitled to two representatives.

District No. 27 shall consist of the county of Sully and be entitled to one representative.

District No. 28 shall consist of the county of Deuel and be entitled to two representatives.

District No. 29 shall consist of the county of Grant and be entitled to two representatives.

District No. 30 shall consist of the county of Roberts and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 31 shall consist of the county of Hamlin and be entitled to one representative.

District No. 32 shall consist of the county of Codington and be entitled to two representatives.

District No. 33 shall consist of the county of Clark and be entitled to two representatives.

District No. 34 shall consist of the county of Spink and be entitled to five representatives.

District No. 35 shall consist of the county of Faulk and be entitled to one representative.

District No. 36 shall consist of the county of Potter and be entitled to one representative.

District No. 37 shall consist of the county of Marshall and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 38 shall consist of the county of Day and be entitled to two representatives.

District No. 39 shall consist of the county of Brown and the territory north thereof and south of the 46th parallel and be entitled to four representatives.

District No. 40 shall consist of the county of Edmunds and be entitled to one representative.

District No. 41 shall consist of the county of Walworth and be entitled to one representative.

District No. 42 shall consist of the county of McPherson and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 43 shall consist of the county of Campbell and the territory north thereof and south of the 46th parallel and be entitled to one representative.

District No. 44 shall consist of the counties of Fall River and Custer and be entitled to one representative.

District No. 45 shall consist of the county of Pennington and be entitled to one representative.

District No. 46 shall consist of the county of Lawrence and be entitled to four representatives.

District No. 47 shall consist of the county of Butte and be entitled to one representative.

ARTICLE XX.

SEAT OF GOVERNMENT.

SECTION 1. The question of the location of the temporary seat of government shall be submitted to a vote of the electors of the proposed State of Dakota in the same manner and at the same election at which this Constitution shall be submitted, and the place receiving the highest number of votes shall be the temporary seat of government until a permanent seat of government shall be established as hereinafter provided.

SEC. 2. The legislature at its first session after the admission of this State, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the State at the next general election thereafter, and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.

SEC. 3. Should no place voted for at said election have a majority of all votes cast upon this question, the Governor shall issue his proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving the majority of all votes cast upon this question shall be the permanent seat of government.

ARTICLE XXI.

MISCELLANEOUS.

SECTION 1. SEAL AND COAT OF ARMS.—The design of the great seal shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other pictures of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the State of Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words "State of Dakota." In the lower part the words "Great Seal," and the date in Arabic numerals of the year in which the State be admitted to the Union.

SEC. 2. COMPENSATION OF PUBLIC OFFICERS.—The Governor shall receive an annual salary of two thousand five hundred dollars; the judges of the Supreme Court shall each receive an annual salary of two thousand five hundred dollars; the judges of the circuit courts shall each receive an annual salary of two thousand dollars; provided that the legislature may, after the year one thousand, eight hundred and ninety, increase the annual

salary of the Governor and each of the judges of the Supreme Court to three thousand dollars, and the annual salary of each of the circuit judges to two thousand five hundred dollars.

The Secretary of State, State Treasurer and State Auditor shall each receive an annual salary of one thousand eight hundred dollars; the Commissioner of School and Public Lands shall receive an annual salary of one thousand eight hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand eight hundred dollars; the Attorney General shall receive an annual salary of one thousand dollars; the compensation of Lieutenant Governor shall be double the compensation of a State senator.

They shall receive no salary or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the legislature to increase the salaries of the officers named in this article except as herein provided.

SEC. 3. OATH OF OFFICE.—Every person elected or appointed to any office in this State, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully to discharge the duties of his office.

SEC. 4. EXEMPTIONS.—The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general laws.

SEC. 5. RIGHTS OF MARRIED WOMEN.—The real and personal property of any woman in this State, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

ARTICLE XXII.

COMPACT WITH THE UNITED STATES.

The following article shall be irrevocable without the consent of the United States and the people of this State: First, that perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands of the United States lying within the State, and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without this State, shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

ARTICLE XXIII.

AMENDMENTS AND REVISIONS OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either house of the legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or

amendments shall be entered on their Journals, with the yeas and nays taken thereon, and it shall be the duty of the legislature to submit such proposed amendment or amendments to the vote of the people at the next general election. And if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of this Constitution, provided, that the amendment or amendments so proposed shall be published for a period of twelve weeks previous to the date of said election, in such manner as the legislature may provide; and provided further, that if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a Convention to revise this Constitution they shall recommend to the electors to vote at the next election for members of the legislature, for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the legislature shall, at their next session, provide by law for calling the same. The Convention shall consist of as many members as the house of representatives and shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XXIV.

PROHIBITION.

[To be submitted to a separate vote as provided by the schedule and ordinance.]

No person or corporation shall manufacture, or aid in the manufacture for sale, any intoxicating liquor; no person shall sell or keep for sale as a beverage any intoxicating liquor. The legislature shall by law prescribe regulations for the enforcement of the provisions of this section and provide suitable and adequate penalties for the violation thereof.

ARTICLE XXV.

MINORITY REPRESENTATION.

[To be submitted to a separate vote as provided by the schedule and ordinance.]

SECTION 1. The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the first general election held after this Constitution takes effect, and every two years thereafter.

SEC. 2. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be declared elected.

SCHEDULE AND ORDINANCE.

SECTION 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims and rights of individuals, and all bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department

under this Constitution, be issued under the authority of the Territory of Dakota, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Dakota, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, forfeitures and escheats accruing to the Territory of Dakota, shall accrue to the use of the State.

SEC. 4. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid and shall pass over to and may be prosecuted in the name of the State; and all bonds, obligations or other undertaking executed by this Territory, or to any officer in his official capacity, shall pass over to the proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until superseded under this Constitution.

SEC. 6. The first meeting of the legislature shall be held at such time and place as shall be selected under the provisions of this Constitution and Ordinance and Schedule.

SEC. 7. The legislature elected under the provisions of this Ordinance, shall assemble at the place fixed by this Schedule and Ordinance on the second Monday in December, in the year of our Lord one thousand eight hundred and eighty-five; and on the first day of their assemblage the Governor and other State officers shall take the oath of office in the presence of the legislature. The oath of office shall be administered to the senators and representatives of the legislature, and to the State officers by the Chief Justice of the Territory, or by the President of the State Executive Committee, or by any officer duly authorized by the laws of the Territory to administer oaths.

SEC. 8. Immediately after the organization of the legislature and the qualification under oath of the State officers, both houses of the legislature shall then and there proceed to elect two senators of the United States, for the State of Dakota. At said election the two persons who shall receive the majority of all the votes cast by said senators and representatives, shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house shall issue a certificate to each of said senators certifying his election, which certificates shall also be signed by the Governor and attested by the Secretary of State.

SEC. 9. This Constitution shall be submitted for adoption or rejection, to a vote of the electors, qualified by the laws of this Territory to vote at all elections, at the election to be held on the Tuesday next after the first Monday in November, A. D. 1885. At the said election the ballots shall be in the following form:

For the Constitution: Yes. No.

For Prohibition: Yes. No.

For Minority Representation: Yes. No.

And as a heading to each of said ballots shall be printed on each ballot the following instructions to voters:

All persons desiring to vote for the Constitution, or any of the articles submitted to a separate vote, may erase the word "no."

All persons who desire to vote against the Constitution, or against any article submitted separately, may erase the word "yes."

Any person may have printed or written on his ballot only the words "for the Constitution" or "against the Constitution," and such ballots shall be counted for or against the Constitution accordingly. The same provision shall apply to articles submitted separately.

In addition to the foregoing election for the Constitution, and for the articles submitted by this Convention for a separate vote thereon, an election shall be held at the same time and places, by the said qualified electors, for the following State officers, to be voted for on the same ballot as is above provided for votes on the Constitution and separate articles, to wit: A Governor, a Lieutenant Governor and all other State and judicial officers which are provided for in this Constitution.

At the same time and places of election, there shall be held an election, by the said qualified electors, within their respective districts for representatives and senators for the State legislature, and for two representatives in congress.

All the aforesaid elections above provided for, shall be held in the same manner and form as provided for the election for the adoption or rejection of the Constitution. And the names of all such officers above specified, to be voted for at such election, shall be written or printed upon the same ballots as the vote for or against the Constitution.

The judges of elections in counting the ballots voted at said election, shall count all the affirmative ballots upon the Constitution as votes for the Constitution; and they shall count all the negative ballots voted at said election upon the Constitution, as votes against the Constitution; and ballots voted at said election upon which neither of said words, yes or no, following the words "for the Constitution" are erased, shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on prohibition, separately submitted, as votes for such article. And they shall count all negative ballots so voted upon such article, as votes against such article. And ballots upon which neither of the words, yes or no, following the words "for prohibition"' are erased shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on minority representation, separately submitted, as votes for such article. And they shall count all negative ballots so voted upon such article, as votes against such article. And ballots upon which neither of said words, yes or no, following the words "for minority representation" are erased, shall not be counted upon such proposition.

If it shall appear, in accordance with the returns hereinafter provided for, that a majority of the votes polled at such election, for and against the Constitution, are for the Constitution, then this Constitution shall be the Constitution of the State of Dakota. If it shall appear, according to the returns hereinafter provided for, that a majority of all the votes cast at said election for and against "prohibition" are for prohibition, then said article XXIV

shall be and form a part of this Constitution, and be in full force and effect as such from the date of said election.

But if a majority of said votes shall appear, according to said returns, to be against prohibition, then article XXIV shall be null and void and shall not be a part of this Constitution.

And if it shall appear according to the returns hereinafter provided for, that a majority of all the votes cast at said election for and against minority representation are for minority representation, then article XXV shall be and form a part of said Constitution, and be in full force and effect as such from the date of said election, and all sections and parts of sections of said Constitution which conflict with said article shall be thereby repealed, and be null and void.

But if a majority of said votes shall appear according to said returns to be against minority representation, then said article XXV shall be null and void and shall not be a part of this Constitution.

At such election the person voted for, for any one of the offices to be filled at such election, who shall receive the highest number of votes cast at said election, shall be declared elected to said office.

SEC. 10. At the same time and places of election there shall be held by said qualified electors an election for the place of meeting for the first legislature and for the temporary seat of government.

On each ballot, and on the same ballot on which are the matters voted for or against, as hereinbefore provided, shall be written or printed the words "for temporary seat of government."

(Here insert the name of the city, town or place to be voted for.)

And upon the canvass and return of the votes made, as hereinafter provided for, the name of the city, town or place which shall have received the largest number of votes for said temporary seat of government, shall be declared by the State Executive Committee, together with the whole number of votes cast for each city, town or place. And the State Executive Committee shall immediately after the result of said election shall have been ascertained, issue a proclamation directing the legislature elected at said election to assemble at said city, town or place so elected, on the day fixed by this Schedule and Ordinance.

SEC. 11. There shall be elected by this Convention as soon as possible after the adoption of this Schedule and Ordinance a State Executive Committee, consisting of seven members, and the persons thus elected are Hugh J. Campbell, Joseph R. Hanson, E. P. Beebe, S. G. Updyke, John Cain, James A. Ward, A. J. Simmons; one of whom, to wit, Hugh J. Campbell, who is elected by this Convention as such, shall be President of the State Executive Committee. Said State Executive Committee shall exercise the powers and perform the duties hereinafter conferred upon it and shall continue in office until the assembling and organization of the State legislature. The State Executive Committee herein provided for shall meet and organize in the city of Sioux Falls immediately and before this Convention shall adjourn, by the election of a Secretary and such other officers, excepting President, as may be necessary.

SEC. 12. Said State Executive Committee shall have full power to do and perform all things necessary to the carrying into effect of the provisions of this Schedule and Ordinance with regard to elections, and to this end they shall have full power to

make all necessary rules and regulations for such purpose; they shall make and issue instructions and regulations with regard to the details not herein provided for, or not provided for by law, as to the elections held in pursuance of this Schedule and Ordinance. They shall have power to fill all vacancies in their own number, and they may in case of necessity call an adjourned meeting of this Convention; they shall fix their own times and places of meeting, and three members shall constitute a quorum, with power to transact business. Any member may in writing delegate his power to act on the committee to another member thereof.

SEC. 13. Should this Constitution be adopted and ratified by the votes of the people at the election ordered by this Ordinance, the State Executive Committee shall be vested with full power and authority to do and perform all things necessary to carry out the objects of this Convention.

They shall make all necessary arrangements for rooms for the legislature and for the inauguration of the State Government.

SEC. 14. Said committee shall have power to provide the necessary funds to defray all necessary expenses connected with the performance of their duties and to issue certificates therefor. But an itemized account of all such expenses, sworn to by the President and Secretary of the committee shall be presented, by them to the legislature at its first meeting, and the legislature shall provide for the payment of so much thereof as they shall find to have been properly and necessarily expended in the due performance of their duties.

SEC. 15. The election provided for herein shall be conducted in all respects as elections are under the general laws of the Territory. The President of the State Executive Committee is hereby authorized, empowered and required to issue notices of the election herein provided for at least ten days prior thereto, by publication in the newspapers in each county, stating the object of such election, and the officers to be chosen at the same, and shall otherwise conform, as near as may be, to the notices of election provided by law for general elections. Said notices shall also be posted by the several sheriffs and by the county boards of their respective counties, in the manner required by law. The election precincts and polling places shall be the same as now provided by law for the general election. The judges and clerks of election for said election shall be appointed in the manner now prescribed by law. But in case for any reason the said judges and clerks of election are not appointed as above provided, or in case of the refusal, neglect or inability to act of said judges or clerks of election in the election herein provided for, the qualified electors present at the polls may elect said judges and clerks of election. No mere technicality or informality in the manner or form of the election, or neglect of any officer to perform his duty with regard thereto, shall be deemed to vitiate or avoid the same, it being the true intent and object of this ordinance to ascertain and give effect to the true will of the people of the State of Dakota as expressed by their votes at the polls.

SEC. 16. The President of the State Executive Committee shall appoint in each county a county board, consisting of three members, which county board shall have and exercise the powers and duties prescribed by this Schedule and Ordinance.

SEC. 17. The judges and clerks of election herein provided

for, shall have authority to do and perform all things with regard to said elections that are now required by law of such judges and clerks at general elections, and the canvass and return of the votes shall be in the manner and form now required by law in the case of general elections, or as provided herein.

SEC. 18. Immediately after the election herein provided for, the judges of election at each voting place shall make a true and complete count of all the votes duly cast at such election, and shall certify and return the result of the same, with the names of all the candidates and the number of votes cast for each candidate, and the number of votes cast for and against the Constitution, and the number of votes cast for and against prohibition, and the number of votes cast for and against minority representation, and the number of votes cast for each city, town or place, as the "temporary seat of government," to the board of county canvassers of election, provided for by law, of their respective counties, and to the county boards provided by this Schedule and Ordinance, jointly, together with all the ballots, poll lists and election books used in said election.

SEC. 19. Within ten days after such election the several boards of county canvassers provided by law for the canvassing of the results of elections, and the several county boards provided for by this Schedule and Ordinance, of their several counties, shall either or both make and certify under oath, to the President of the State Executive Committee a true and honest return of the total number of votes cast for the Constitution, and against the Constitution, of the number of votes cast for and against "prohibition," and the number of votes cast for and against "minority representation," and the number of votes cast for each city, town or place as the "temporary seat of government," and of the number of votes cast for each person voted for at such election, and shall transmit the same to the President of the State Executive Committee by mail, and shall file for record a duplicate and certified copy of said return with the county clerk of said county.

SEC. 20. The President of the State Executive Committee shall receive all returns of the election transmitted to him as above provided, and shall preserve the same. Within twenty days after said election the President of said State Executive committee, together with such members of said committee as may assemble with him, and with the secretary of the Territory, the chief justice of the Territory, if they will so act, and with such other officers of the Territory as he may associate with him who shall consent to act, shall canvass and compile the certificates and returns of such elections, and shall thereby ascertain the total number of votes cast at such election, the total number of votes cast for the Constitution and against the Constitution, the total number of votes cast for and against "prohibition," and the total number of votes cast for and against "minority representation," and the total number of votes cast for each city, town or place as the "temporary seat of government," and the total number of votes cast for each person voted for, for any office at the said election, and shall declare the result of said election in conformity with such vote and shall make proclamation thereof in the newspapers of the Territory.

They shall also make and certify a list of votes so cast for senators and representatives to the legislature, and a list of the names of the senators and representatives who shall thus be ascertained to be duly elected, and also a list of the names of all

officers who shall thus be ascertained to be duly elected. They shall also make and transmit to the State legislature upon the first day of its assemblage, a true return of said election, and of the names of all officers and all representatives and senators of the legislature so elected, and of the number of votes cast for each. Said list of senators and representatives shall constitute the roll with which the senate and the house of representatives shall be organized. They shall also make and transmit to the State legislature, immediately upon its organization, a list of all the State and judicial officers who shall thus be ascertained to have been duly elected, with a return of the number of votes cast for and against each. And it shall thereupon be the duty of the legislature in joint session to canvass and compile said returns for all the said officers, and to declare the result of said election as to said State and judicial officers.

SEC. 21. The President of the State Executive Committee shall issue certificates of election to all persons who shall be ascertained, as above provided, to have been duly elected to any office at such election. The persons receiving the highest number of votes at such election for each office herein named shall be declared elected to said office.

SEC. 22. Any vacancy in the office of the State Executive Committee, shall be filled by the State Executive Committee or a quorum thereof, as soon as may be after said vacancy, at a meeting to be held at the place designated as the official quarters of the said committee.

SEC. 23. The apportionment made in this Constitution shall govern the elections above provided for, for members of the State legislature. At the first election held under this ordinance for senators and representatives of the legislature, there shall be elected thirty-three senators and ninety-nine representatives and these shall be the members of the senate and house of representatives of the State legislature respectively.

SEC. 24. The first legislature assembled after the adoption of this Constitution, shall have power to continue in session a longer time than sixty days, or to adjourn from time to time, and reassemble at the call of such officers as they may prescribe, until the State shall be admitted into the union, or their term of office shall expire.

SEC. 25. The Ordinance and Schedule enacted by this Convention shall be held to be valid for all the purposes thereof.

SEC. 26. The Governor, representatives to congress and senators of the United States, whose election is provided for in this Schedule and Ordinance, shall, together with two other persons to be selected by the State Executive Committee, constitute a committee whose duty it shall be, in case of the ratification of this Constitution by the people, to present this Constitution to the President and congress of the United States, and request admission of the State thereunder into the union of States. And they shall have power to do and perform all things necessary and proper to carry into effect the purposes for which they are thus appointed.

SEC. 27. The first legislature elected under this Constitution shall, at an early day, take steps to obtain an equitable and proper division of the territorial funds, and the territorial indebtedness existing at the time of the adoption of the Constitution, between the State of Dakota and that portion of the Territory of Dakota not included within the boundaries of the State, such division to take into account the value and cost of the various public

institutions located in the two sections respectively, and consent is hereby given that congress may make such provision for the payment by this State of the existing indebtedness of the Territory of Dakota, as it shall deem just and equitable, and this State shall assume and pay so much thereof as congress may provide.

SEC. 28. All the existing archives, records and books belonging to the Territory of Dakota shall belong to and be a part of the public records of the State of Dakota, and be deposited at the seat of government of the said State with the secretary of State.

SEC. 29. This Constitution shall be engrossed and deposited in the office of the secretary of State, and printed copies thereof shall be prefixed to the books containing the laws of the State and all future editions thereof.

SEC. 30. The following form of ballot is adopted:

CONSTITUTIONAL TICKET.

INSTRUCTIONS TO VOTERS.

All persons desiring to vote for the Constitution, or for any of the articles submitted to a separate vote, may erase the word "No."

All persons who desire to vote against the Constitution, or any articles separately submitted, may erase the word "Yes."

For the Constitution. Yes. No.
For Prohibition. Yes. No.
For Minority Representation. Yes. No.
For.....as the temporary seat of government.
For Governor.
.....
For Lieutenant Governor.
.....
For Secretary of State.
.....
For Auditor.
.....
For Treasurer.
.....
For Attorney General.
.....
For Superintendent of Public Instruction.
.....
For Commissioner of School and Public Lands.
.....
For Judges of the Supreme Court.
First district.....
Second district.....
Third district.....
For Judge of the Circuit Court.....circuit.
.....
For Judge of the County Court.
.....
For Representatives in Congress.
.....
For State Senator.
.....
For Representatives in the Legislature.
.....

SEC. 31. The failure to use this form of the ballot herein prescribed shall not vitiate the vote, if the intent of the voter is clearly ascertainable therefrom.

SEC. 32. Nothing in this Constitution or Schedule contained shall be construed to authorize the legislature to exercise any powers except such as are necessary to its organization, to elect United States senators, to provide and pass means and measures necessary, preliminary and incident to admission to the Union, and to assemble and reassemble, and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the congress of the United States.

A. J. EDGERTON, President Constitutional Convention.

HUGH J. CAMPBELL,	H. H. SHEETS,
MANFORD E. WILLIAMS,	A. HAINES,
FRANK ALEXANDER,	JOHN H. PATTEN,
JOHN B. GODDARD,	A. G. KELLAM,
JOSEPH WARD,	E. P. BEEBE,
JOHN A. OWEN,	WM. H. PARKER,
FRANK I. FISHER,	STEPHEN G. UPDYKE,
JAMES A. WARD,	H. J. GRANT,
J. D. MASON,	S. M. BOOTH,
W. M. WRIGHT,	JERE. GEHON,
J. T. DOW,	DANIEL WILCOX,
ISAAC M. WESTFALL,	HENRY NEILL,
J. M. BAKER,	L. H. WEEDON,
S. C. WEATHERWAX,	THEODORE ELFES,
FRANK GAULT,	F. H. CRAIG,
W. H. LICHTENWALLNER,	THEO. D. KANOUSE,
GEO. L. WRIGHT,	C. BUECHLER,
C. J. C. MACLEOD,	WILLIS C. STONE,
DAVID BELLON,	H. H. BLAIR,
J. K. P. MCCALLUM,	JAMES H. MORE,
C. M. REED.	GEO. W. SNOW,
J. P. KENDALL	N. TYCHSEN,
EDGAR M. JESSUP,	FRED F. B. COFF
W. H. GODDARD,	N. I. LOWTHIAN,
ELIHU I. OAKS,	S. T. HUNTLEY,
JAMES M. FOWLER,	CHAS. S. LOWE,
STEPHEN JONES,	ALBERT GUNDERSON,
C. E. ANDRUS,	MATT A. RYAN,
GEORGE C. BRITTON,	A. E. FRANK,
SAMUEL MILLER,	C. M. GREGORY,
W. H. MURPHY,	L. W. LANSING,
B. B. POTTER,	ROBERT J. BROWN,
GEORGE G. CROSE,	ISAAC GRAY,
T. H. CONNIFF,	W. W. BROOKINGS,
J. R. HANSON,	R. A. PROUDFOOT,
C. S. GIFFORD,	G. C. MOODY,
HUGH M. SMITH,	ROBERT DOLLARD,
JOHN DAHL,	ANDREW J. BERDAHL,
MILES WHITE,	W. G. ASHTON,
R. C. TOUSLEY,	R. CRAVEN WALTON,
JOSEPH ALLEN,	C. J. MAYNARD,
M. J. SCHULTZ,	H. F. FELLOWS,
D. CORSON,	GEO. R. LAYBOURN.

Attest: JOHN CAIN, Secretary.